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DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

INSTRUCTIONS FOR HOLDING REFERENDA ON NATIONAL MARKETING QUOTAS FOR (1) BURLEY TOBACCO, AND (2) FIRE-CURED AND DARK AIR-CURED TOBACCO

In view of the fact that the Secretary of Agriculture has duly proclaimed, pursuant to the provisions of Section 312 (a) of the Agricultural Adjustment Act of 1938, a national marketing quota for (1) Burley tobacco, and (2) fire-cured and dark air-cured tobacco, for the marketing year beginning October 1, 1939, a referendum of farmers who were engaged in the production of the 1938 crop of Burley tobacco and a referendum of farmers who were engaged in the production of the 1938 crop of fire-cured and dark air-cured tobacco will be held on December 17, 1938, pursuant to the provisions of section 312 (c) of the said act and in accordance with the regulations herein set forth to determine whether such farmers are in favor of or opposed to such quotas. If, in either referendum, more than one-third of the farmers voting therein oppose the national marketing quota for the marketing year beginning October 1, 1939, such quota will not be in effect for such marketing year.

The following forms will be used:

- Tobacco 307—"Notice—Burley Tobacco Marketing Quota Referendum"
- Tobacco 313—"Notice—Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Referendum"
- Tobacco 308—"1939 Burley Tobacco Marketing Quota Referendum Ballot"
- Tobacco 314—"1939 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Referendum Ballot"
- Tobacco 309—"Register of Eligible Voters and Ballots Cast—1939 Burley Tobacco Marketing Quota Referendum"
- Tobacco 315—"Register of Eligible Voters and Ballots Cast—1939 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Referendum"
- Tobacco 310—"Community Summary of 1939 Burley Tobacco Marketing Quota Ballots"
- Tobacco 316—"Community Summary of 1939 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Ballots"
- Tobacco 311—"County Summary of 1939 Burley Tobacco Marketing Quota Ballots"
- Tobacco 317—"County Summary of 1939 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Ballots"
- Tobacco 312—"State Tabulation of 1939 Burley Tobacco Marketing Quota Ballots"
- Tobacco 318—"State Tabulation of 1939 Fire-Cured and Dark Air-Cured Tobacco Marketing Quota Ballots"

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of Burley tobacco in 1938 are eligible to vote in the Burley tobacco marketing quota referendum. All farmers who were engaged in the production of fire-cured or dark air-cured tobacco in 1938 are eligible to vote in the fire-cured and dark air-cured tobacco marketing quota referendum. The fact that a farmer is eligible to vote in one referendum does not

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mean that he is eligible to vote in the other. Any person who shared in the proceeds of the 1938 Burley tobacco crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper shall be considered as having been engaged in the production of Burley tobacco in 1938. Likewise, any person who shared in the proceeds of the 1938 fire-cured or dark air-cured tobacco crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper is considered as having been engaged in the production of fire-cured or dark air-cured tobacco in 1938. Farmers who (1) planted Burley tobacco or fire-cured or dark air-cured tobacco in 1938 but produced no Burley tobacco or fire-cured or dark air-cured tobacco on such acreage for any reason except willful neglect to farm the planted acreage, or (2) who made arrangements to plant Burley tobacco or fire-cured or dark air-cured tobacco in 1938 but were prevented from planting by flood, excessive rainfall, drought, or plant disease, shall be regarded as having been engaged in the production of (1) Burley tobacco or (2) fire-cured or dark air-cured tobacco, respectively, in 1938, and, therefore, eligible to vote.

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in either referendum, even though he may have been engaged in the production of (1) Burley tobacco or (2) fire-cured or dark air-cured tobacco in two or more communities, counties, or States in 1938.

In the event several persons, such as husband, wife, and children, participated in the production of (1) Burley tobacco or (2) fire-cured or dark air-cured tobacco in 1938 under a single rental or cropping agreement or lease or other arrangement, only the person or persons who signed or entered into the rental or cropping agreement or lease or the head of the family if no such agreement or lease obtains, shall be eligible to vote.

In the event two or more persons engaged in producing (1) Burley tobacco or (2) fire-cured or dark air-cured tobacco in 1938 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to vote.

There shall be no voting by mail, proxy, or agent, but a duly authorized officer of an eligible corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

If a community referendum committee determines that a farmer residing within the jurisdiction of such committee at the time of the referendum is eligible to vote by reason of his having engaged in producing (1) Burley tobacco or (2) fire-cured or dark air-cured tobacco in another community in 1938, the committee may issue a ballot form to him and permit him to vote, provided the committee also satisfies itself that such farmer has not voted in the pertinent referendum in another community. If the committee cannot so satisfy itself and the farmer insists upon voting, it shall challenge the ballot in the manner hereinafter outlined.

B. INSTRUCTIONS TO COUNTY COMMITTEES

The County Agricultural Conservation Committee (hereinafter referred to as the county committee) shall be responsible for the proper holding of the referenda in the county and shall:

1. Designate one readily accessible place for balloting in each community and give public notice of the time and place for balloting by posting the applicable notice form at one or more places open to the public within each community at least 5 days in advance of the date of the referenda.

2. Make use (without advertising expense) of all available agencies of public information, including newspapers and radio, to give (1) Burley tobacco farmers, and (2) fire-cured and dark air-cured tobacco farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the plans for holding the referenda in the county have been made, but must be given at least five days in advance of the date of the referenda.

3. Designate three local farmers residing in each community as members of the community referendum committee to conduct (1) the Burley tobacco marketing quota referendum and (2) the fire-cured and dark air-cured tobacco marketing quota referendum in such community, and name one of the members chairman of the committee.

4. In counties with a total of less than 200 Burley tobacco and fire-cured and dark air-cured tobacco farms, the county committee may treat the county as one community for the purpose of the referenda and hold the referenda and perform the duties both of the county committee and community referendum committee.

5. See that each community referendum committee is provided with (1) a suitable ballot box for the Burley tobacco marketing quota referendum and (2) a separate ballot box for the fire-cured and dark air-cured marketing quota referendum.

6. Execute Form Tobacco 309 for each community in the county, listing thereon the names and addresses of all persons who were engaged in the production of Burley tobacco in such community during 1938. Likewise, execute Form Tobacco 315 for each community in the county, listing thereon the names and addresses of all persons who were engaged in the production of fire-cured or dark air-cured tobacco in such community during 1938. If lists of such persons by communities are already available to the county committee, they may be turned over to the community referendum committees for its own preparation of Forms Tobacco 309 and Tobacco 315.

7. Deliver a supply of the applicable Forms Tobacco 308 and 310 and Tobacco 314 and 316, as well as the executed copies of Tobacco 309 and Tobacco 315 (or a supply of blank Forms Tobacco 309 and Tobacco 315 and the required lists of Burley tobacco and fire-cured and dark air-cured tobacco farmers in the community), to the chairman of the respective community referendum committee.

8. See to it that the community referendum committees understand their duties as to (a) issuing ballot forms, (b) recording votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

9. See that appropriate measures are taken to insure that each referendum is conducted by secret ballot.

10. Notify the State committee by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in each referendum held in the county.

11. Meet not later than 8:30 o'clock a. m. Monday, December 19, 1938, for the purpose of receiving and tabulating the data from Forms Tobacco 310 and Tobacco 316 on Forms Tobacco 311 and Tobacco 317, respectively. Such meeting shall be open to the public. Forms Tobacco 311 and Tobacco 317, showing results of the vote in the county, shall be prepared and certified in quadruplicate, two copies of which shall be sent to the State Agricultural Conservation Committee (hereinafter referred to as the State Committee) not later than four calendar days after the date of the referenda, one copy of each posted for sixty days in a conspicuous place accessible to the public or in or near the office of the county committee (hereinafter referred to as the county office), and one copy of each permanently filed in the county office. One copy of each executed Tobacco 310 and Tobacco 316 shall be posted for sixty days in a conspicuous place accessible to the public in or near the county office.

12. Make an investigation in each case of controversy or dispute regarding eligibility of a voter. In each case where a ballot is found in a sealed envelope marked "Challenged" by the community referendum committee and bearing the voter's name, and a statement of the reason for the challenge, the eligibility of such person shall first be determined. If it is determined that such person is eligible, the envelope shall be opened and the ballot placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots shall have been passed upon by the committee those ballots found to be valid shall be unfolded and tabulated in the county summary. If it is determined that such person is not eligible, the envelope shall not be opened but shall be preserved with the ballots, as provided in paragraph 14 of this section B.

13. Make an investigation in each case of dispute regarding the correctness of the summary of either referendum in a community. No dispute shall be investigated by the county committee unless it is brought to its attention within three calendar days after the date on which the referendum in question was held. The county committee shall promptly decide the dispute and immediately report its findings to the State committee and send by registered mail or deliver in person to the State office all voted ballots, register forms, and community summary sheets involved in the dispute.

14. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Burley Tobacco Referendum 1939," or "Fire-cured and Dark Air-cured Tobacco Referendum 1939," as the case may be, followed by the name of the county) and place them under lock and key in a safe place under the custody of the secretary of the county agricultural conservation association for a period of 60 calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed and the register and community summary sheets permanently filed in the county office.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each community referendum committee designated by the county agricultural conservation committee shall:

1. Arrange, with the assistance of the county committee, for conducting the referenda by secret ballot.

2. Assist the county committee in giving adequate public notice of the time and place for casting ballots at least five days in advance of the date on which the referenda will be held.

3. Provide a place where each eligible farmer can prepare and cast a ballot in secret and without interference.

4. Provide ballot boxes. Any container so arranged that ballots cannot be seen and cannot be removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed so that breaking or replacing the seal will affect or destroy the identifying marks and show that the seal has been tampered with.

5. Open the polls not later than 9 o'clock a. m., local standard time, on Saturday, December 17, 1938.

6. Hold the referenda in a fair and unbiased manner and see that appropriate measures are taken to insure that the referenda are conducted by secret ballot.

7. See that no device is used whereby any voter's ballot may be identified (except in the case of a challenged ballot). Instruct each voter, as he is handed a ballot form, as to the procedure to be followed in casting his ballot and instruct him to fold his ballot before he places it in the ballot box after he has marked it to show which way he votes.

8. Issue a ballot to each person who is eligible to vote and to each person who claims to be eligible to vote and insists upon voting even though his eligibility is challenged by the committee. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. In every case where the eligibility of the voter is challenged, his ballot, after being marked by the challenged person, shall be placed (by him, or by the committee if he refuses) in an envelope and shall be sealed and marked with his name, the word "Challenged", and a statement of the reason for the challenge, and the envelope shall then be placed in the ballot box. The letter "C" shall be entered on (1) Form Tobacco 309 or (2) Tobacco 315, whichever is applicable, immediately to the left of the name of each person whose vote is challenged.

9. Record on Forms Tobacco 309 and Tobacco 315, respectively, the name and address of each farmer to whom a ballot form is issued if he is not already listed thereon prior to the time the ballot form is issued to him.

10. Enter an "X" in the designated column on Forms Tobacco 309 and Tobacco 315 beside the name and address of each farmer to whom a ballot form is issued and who places his ballot in the ballot box (whether or not his ballot is challenged).

11. Close the polls and discontinue acceptance of ballots at 5 o'clock p. m., local standard time, on the date of the referendum or such later hour on such date as is fixed by the State Committee.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referenda on Forms Tobacco 310 and Tobacco 316, respectively. The number of challenged ballots cast shall be entered on Forms Tobacco 310 and Tobacco 316,

respectively, in the space provided and will not, of course, be shown as being either for or against the national marketing quota. If any ballot is found to be spoiled or marked in such a way that it cannot be determined whether the voter approved or opposed the national marketing quota, it shall not be counted as a ballot cast but the number of such spoiled ballots shall be entered in the space provided and such ballots placed in an envelope marked "Spoiled Ballots," followed by the designation of the community.

14. Certify to the accuracy of the executed Forms Tobacco 309 and 310 and Tobacco 315 and 316 by signing in the spaces provided.

15. Notify the county committee by telephone or in person as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

16. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheet, and the community summary sheets in one or more envelopes appropriately identified by the designation of the community and deliver them to the county committee not later than 8:30 o'clock a. m., Monday, December 19, 1938, with the unused ballots and other forms. The chairman of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

17. Post an executed copy of (1) Forms Tobacco 310 and (2) Tobacco 316 as soon as they are executed, at a conspicuous place at the polling place and see that it remains posted and accessible to the public for at least three calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEE

The State committee shall be in charge of and responsible for the conducting of the referenda in the State and shall:

1. Report by wire the preliminary results of the referenda to the Regional Director as soon as possible.

2. Summarize on Forms Tobacco 312 and Tobacco 318, respectively, the information reported to it on the Forms Tobacco 311 and Tobacco 317 and forward via air mail special delivery two fully executed Forms Tobacco 312 and Tobacco 318 to the applicable Regional Director, Agricultural Adjustment Administration, Washington, D. C., not later than seven calendar days after the date of the referenda. If one sheet proves insufficient for listing the information with respect to all counties in the State, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy each of Forms Tobacco 311 and 312 and Tobacco 317 and 318 shall be permanently filed in the State office of the Agricultural Adjustment Administration.

3. Complete the investigation of any report from any county regarding controversies, irregularities, or the correctness of summaries of the referenda, not later than ten calendar days after the date of the referenda, and forward its findings in such cases to the applicable Regional Director.

E. RESULTS OF REFERENDA

Final and official tabulation of the votes cast in the referenda will be made by the Agricultural Adjustment Administration and the results of the referenda announced by the Secretary of Agriculture. The reports on Tobacco 312 and Tobacco 318 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection.

Each county committee is authorized to give out unofficial reports of the total "Yes" and total "No" votes in its county to the public press and to other inquirers. The State Committee is authorized to release to the press and other inquirers the unofficial results of the referenda for the respective State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agencies as may be designated.

